



# Intellectual Property Policy and Guidance Notes

Released December 2023

## About this Document

These Intellectual Property Policy and Guidance Notes have been developed to assist recipients of Minerals Research Institute of Western Australia (MRIWA) support to improve their understanding and management of intellectual property (IP) assets.

## Disclaimer

This document does not constitute a substitution for professional IP management services or advice and is only intended to provide a foundation for the identification, capture and decision making of IP Assets to maximise knowledge transfer opportunities resulting from minerals research.

This document (including any other document referred to herein) (“this Document”) is not intended to, and nor does it, constitute professional (including legal) advice. No party relying or seeking to rely on what is, or is not, contained in this Document shall, under any circumstances, have or bring any claim (in negligence or howsoever) against MRIWA, the State of Western Australia or any of their respective officers (including board members) or staff. Each party who or which reads, considers, and acts (or does not act) on this Document does so entirely at their own risk. Each such party must get their own legal and other professional advice on any matter or issue addressed in this Document.

## Contents

Contents .....	2
1 MRIWA Intellectual Property Policy.....	3
1.1 Statement of Intent.....	3
1.2 MRIWA IP Policy .....	4
1.3 Responsibilities.....	4
2 Intellectual Property Management Basics .....	5
2.1 What is IP? .....	5
2.2 Patents .....	6
2.3 Trade Marks.....	7
2.4 Confidential Information .....	8
2.5 IP Value.....	8
2.6 IP Portfolio Basics.....	9
2.7 IP Management .....	9
2.8 Common IP Management Practices.....	10
3 Project IP and MRIWA .....	11
3.1 Identifying IP .....	12
3.2 Key Activities .....	12
4 Intellectual Property Management Templates .....	14
4.1 Invention Disclosure Document (IDD) .....	14
4.2 IDD Flowchart and Review Process.....	15
4.3 IP Protection Options Decision Flowsheet .....	15
4.4 IDD Evaluation Matrix .....	16
4.5 Simple IP Asset Register .....	16



# 1 MRIWA Intellectual Property Policy

## 1.1 Statement of Intent

The Minerals Research Institute of Western Australia's (MRIWA) vision is for minerals research to advance Western Australia, creating capability and delivering economic, environmental, and social benefit through the outcomes of the research it supports being implemented.

MRIWA provides targeted financial assistance and support for research activities and collaborates on research projects.

MRIWA seeks to achieve impact through commercial utilisation of research outcomes developed in the Projects it supports. This includes:

- a) use of the research outcomes by Project Participants, or others, to deliver a commercial outcome; or
- b) commercialisation of research outcomes through the appropriate protection of intellectual property (IP) by one or more of the Project Participants.

The MRIWA (IP) Policy and these Guidance Notes, have been developed to support both MRIWA and Project Participants to have informed discussions regarding the appropriate protection of IP in general, and specifically Project IP.

Project IP (referred to as Project originated IP in the MRIWA IP Policy Statement) means all IP created during the course of and as a result of carrying out a Project.

The Policy and Guidelines have been developed with due consideration to the Western Australian Government Intellectual Property Policy 2023 (the State Policy)<sup>1</sup>.

### 1.1.1 Western Australian Government Intellectual Property Policy

Under the *Guiding principles of intent*, Western Australian Government agencies should have regard to the legal rights which result from intellectual activity (creations of the mind) in the industrial, scientific, literary, artistic, musical, and dramatic fields developed or funded by the State of Western Australia.

State IP is any IP owned by Western Australian Government agencies, in this instance MRIWA.

Project IP may be State IP where:

- MRIWA fully funds research and owns the IP created.
- The IP is co-owned with other Project Participants by agreement.

Under the State Policy, MRIWA is required to have regard to the following principles when developing and managing State IP:

- Where appropriate and financially viable, consider the commercialisation of State IP.
- Consider public interest and principles of good government including accountability and transparency.

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<sup>1</sup> <https://www.wa.gov.au/government/publications/western-australian-government-intellectual-property-policy-2023>



- Identify and facilitate opportunities to obtain the maximum social and economic benefit from State IP.
- Consider where the creation, protection, management, use and disposal of IP can facilitate positive outcomes for the community and the State including through support of:
  - a strong and diversified economy.
  - development and growth of the State's priority sectors.
  - job creation.
  - attracting investment to the State.
  - building the State's reputation for innovation and entrepreneurial activity and establishing new revenue streams.
  - innovation across the WA public sector and enabling agencies to capitalise on opportunities to commercialise IP where they arise.
  - incentivising, attracting, and retaining talent across the WA public sector.

In applying the State Policy, early in the IP creation process MRIWA will consider:

- who is best placed to further develop the IP resulting from the research it supports; and
- opportunities to facilitate the maximum public benefit, transfer of knowledge or innovation from the IP.

## 1.2 MRIWA IP Policy

MRIWA is committed to identifying, protecting, and ensuring MRIWA and Project originated IP (Project IP) assets are managed to support the advancement of knowledge and deliver benefit to Western Australia. It will do this by adopting an IP management framework which includes:

- Mechanisms to identify, capture, evaluate and if necessary, protect IP created or acquired as part of its activities in supporting research and innovation.
- Educating and engaging its workforce, and those of the organisations who participate in projects supported by MRIWA, to develop a culture to support a proactive approach to IP management.
- Mechanisms to address IP ownership and access issues as they relate to MRIWA and Project IP and reporting of these on an ongoing basis.
- Minimising exposure to IP risk through the application of appropriate IP management practices, procedures, and measures.
- Understanding and respecting the IP rights held by third party organisations and companies.
- Leveraging MRIWA's IP rights where appropriate.

*This Policy Statement has been approved by the Board via Resolution 221114 #12.*

## 1.3 Responsibilities

The MRIWA Chief Executive Officer is accountable for the implementation of MRIWA's IP Policy.

All MRIWA employees and contractors – including Grantees - are responsible for adherence to and application of MRIWA's IP Policy.

Reviews shall be conducted when appropriate to assess the effectiveness of MRIWA's IP Policy, which will be updated periodically and as warranted from time to time.



## 2 Intellectual Property Management Basics

### 2.1 What is IP?

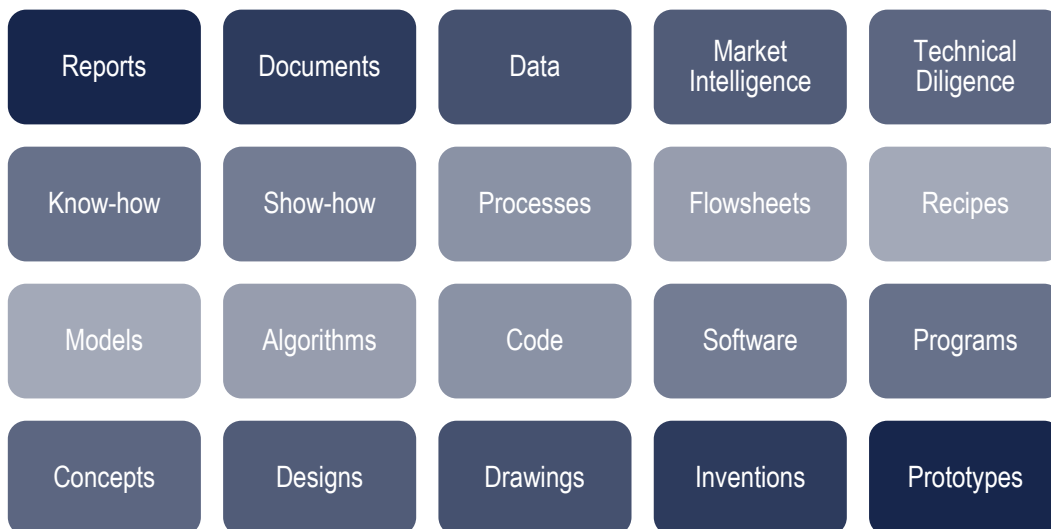
IP can refer to ideas, innovations, products, or knowledge. However, in the context of minerals, mining or energy research, IP typically includes:

- Innovations or improvements in a technology.
- Novel and inventive methods or solutions created.
- Data or information created during a project.
- Confidential information, secrets or knowledge created.

IP Asset means any intellectual property in intangible assets, including forms such as copyright, patents, trade marks, brand, and technical know-how.

In addition to the above industrial examples, other common forms of IP Assets supporting commercial aims are outlined in *Figure 1* and *2*.

*Figure 1 - IP Assets that research projects may produce.*



*Figure 2 - IP Assets that could result from research project outputs.*



Options to protect the broad range of assets identified in the table above typically fall into two main groups, these being formal or registered IP rights, and informal or unregistered IP rights or assets.



### 2.1.1 Formal/Registered

Formal IP refers to legal rights or protections typically granted through one or more formal application process, which may also require the payment of official fees to enable registration. Within the minerals industry, common examples of formal IP include:

- Patents.
- Registered trade marks.
- Registered design rights.

### 2.1.2 Informal/Unregistered

Informal IP refers to unregistered rights or protections which often automatically apply to IP Assets without the need for any formal registration or associated fees. Within the minerals industry, common examples of informal IP include:

- Copyright.
- Unregistered trade marks.
- Confidential information (including know-how and trade secrets).

## 2.2 Patents

Patents are rights provided by a governing body (in Australia - IP Australia), which can provide a monopoly over a method, process, apparatus, or system to a particular party.

Patents can be considered the strongest form of IP protection as they provide coverage over functionality of a solution (i.e., how something works), often irrespective of aspects such as size, shape, materials. As a result, patents can provide the opportunity for lucrative exploitation of the solution while creating barriers to others to copy or use.

In principle, the patent owner has the exclusive right to prevent or stop others from commercially exploiting the patented invention. Patent protection means the invention cannot be commercially made, used, distributed, imported, or sold by others without the patent owner's consent.

For a patent to be registered, the patentable subject matter:

- must be new or novel.
- requires an inventive step or is innovative.
- is industrially applicable.
- has not had any prior use or disclosure.

Typically, a patent will provide protection for up to 20 years, with individual rights required to be secured in individual countries. Securing patent rights across multiple jurisdictions does require significant investment in terms of time and money on the part of the applicant due to the rigorous examination process involved.

### 2.2.1 Further information

- [WIPO – Patents](#)
- [IP Australia – Patents](#)



## 2.3 Trade Marks

A trade mark is any sign which can distinguish the goods and services of your business from those of another. A sign may include one or more of the following:

- Words
- Pictures
- Logos
- Product shapes
- Colours
- Movements
- Patterns/textures
- Sounds
- Scents

Trade marks are typically used as marketing tools so customers can recognise the product or service of a particular trader. A trade mark can also often denote quality, character or market positioning of a product or service.

Trade marks can be protected formally or used informally. Formal applications are made to the IP Office of each country/region of interest (for any Australian applications – IP Australia), which, after a formal assessment process will determine if your application can be granted.

Trade marks can also be used informally, so long as the sign/brand adopted is being used in a proprietary manner to distinguish the goods or services of the business in the course of trade.

A formal application provides a greater benefit over its informal counterpart. In Australia, the enforcement of registered trade marks is governed by the Trade Marks Act 1995, whereas informal trade marks rely on remedy through common law (and hence a legal/court process).

The Table 1 provides an overview of the differences between registered and unregistered trade marks.

*Table 1 Overview of registered and unregistered trade marks*

	<b>Registered</b>	<b>Un-registered</b>
<b>Registration Cost</b>	Official Registration Fees TM attorney fees (Optional)	Nil registration costs
<b>Symbol</b>	<b>®</b>	<b>TM</b>
<b>Tenure</b>	10-years each renewal, indefinitely	Indefinite, provided unchallenged
<b>Enforcement Difficulty</b>	Low – rights are clearly defined by Trade Marks Act 1995	High – requires substantial evidence to substantiate reputation, misleading behaviour, and losses
<b>Enforcement Costs</b>	Low – often dealt in-house/IP Australia	High – court proceedings and lawyers
<b>Advantages</b>	Provides clear rights. Ability to licence and allocate usage. Can be easily sold or licenced to other parties. Adds value to a business	No cost Simple to establish
<b>Disadvantages</b>	Cost, compared to unregistered trade marks	Difficult and costly to enforce. Potential for another party to seek formal registration of the same or similar signs/brands. Uncertainty of infringement on someone else's IP rights



### 2.3.1 Further Information

- [IP Australia – Trade marks](#)

## 2.4 Confidential Information

Confidential information refers to any form of information which is regarded as confidential (and valuable) by the organisation. Keeping knowledge or technology confidential offers IP security where other formal application or registration means cannot provide protection.

Within the broad category of confidential information, two sub-categories are often used to group several types of information which are typically regarded as confidential:

*Table 2 Overview of Confidential Information*

Confidential Information		
Trade secrets and know-how		Business Information
Formulations	Software code	Customer/supplier lists and information
Processes and flowsheets	Materials or ingredient lists	Financial information
Business methods	Novel/potentially patentable subject matter	Work and business procedures/processes

Confidential information must satisfy the following three simple criteria:

1. Have commercial value, or worth, due to its confidential status.
2. Only be known to a limited group of individuals.
3. Have had reasonable steps or precautions introduced by the owner of the information to keep it confidential.

Steps can be taken to protect confidential information through the use of Non-disclosure agreements (NDAs), Confidentiality Agreements (CAs) and robust secrecy processes/procedures to ensure confidential information is limited to only those which require access.

### 2.4.1 Further Information

- [IP Australia – Template NDAs](#)
- [11 Mistakes That Could Invalidate Your NDA](#)

## 2.5 IP Value

IP is one of the most important assets any business or organisation can create, own, and manage. It enables the data, information, knowledge and technology of a person or entity to create value which can deliver worth and improvement including productivity and profit.

It is important to understand IP needs to 'exist' in some form to ensure value can be realised by the owner of the asset. Typically, an organisation will identify and record the various IP Assets it owns and manages within an IP portfolio to assist with any claims regarding its value.





IP Assets also do not have to be formal or registered, such as patents or registered trade marks to be considered valuable. When managed correctly, trade secrets, know-how and other informal IP Assets can be just as valuable.

## 2.6 IP Portfolio Basics

An IP portfolio refers to the group of different IP Assets associated with an organisation, both formal and informal, which have typically been captured or recorded.

Depending on the size and complexity of the organisation, other related IP elements such as contracts, agreements, or licences, which also require careful management, could be included into the IP portfolio of the organisation.

## 2.7 IP Management

Effectively managed IP portfolios can provide a wealth of benefits to the holder. These may include:

- Greater negotiating or bargaining power.
- Monopoly rights.
- Maintaining competitive advantage.
- Minimising operational risk to the business.
- Greater investor confidence.

Failing to manage IP effectively may lead to missed opportunities to realise value from IP to its full extent and any commercial benefits which may have resulted.

Figure 3 - Pillars of IP Management shows the four key pillars of IP management, and the different opportunity costs associated with an incomplete approach to IP management.

Figure 3 - Pillars of IP Management



When done correctly and actively, managing IP can be a straightforward process.

Furthermore, IP typically crosses-over with a wide range of issues within a business, and hence a proactive approach to the management of IP can help ensure better commercial outcomes for the business.



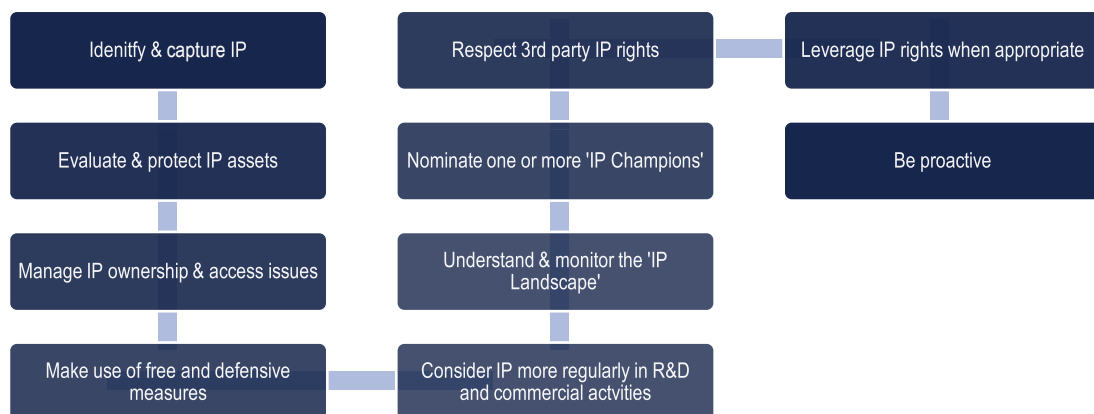
Depending on the complexity of your business operations, consider the IP implications that may arise in the following areas and how they may affect your business:

- Supplier/service provider arrangements
- Third-party contractor engagements
- Employee/staff contracts
- Brand ambassador activities
- Joint venture obligations
- Research collaborations
- Government grant applications
- Freedom to operate
- Competitor activities and threats
- Tax incentives/refund schemes
- Buying/selling your, or another business
- Customer/user arrangements
- Investor/funder requirements
- Board/management IP awareness

A business's IP management framework will depend on its commercial aims, and the maturity of its approach to IP creation, identification, and management.

Figure 4 identifies ten 'key activity areas' which are a great starting point for a sound IP management framework for a growth-oriented business:

Figure 4 – Key IP activity areas



## 2.8 Common IP Management Practices

An overview of four common practices which can improve an organisation's ability to leverage IP Assets is provided below:

### 2.8.1 Protect IP Assets

An unprotected IP asset is vulnerable to another party, or competitor to use or in some cases register themselves. Opportunities to secure monopoly rights or exclusivity are often lost by failure to act at the right time, which can significantly impact future revenue streams or business longevity.

### 2.8.2 IP Strategy

An IP Strategy is a valuable tool for any business, as it provides clear intent and actions to safeguard IP Assets. Additionally, incorporating an IP strategy within business practices can help develop an IP culture and ensure the organisation is actively creating, identifying, and managing IP.



Collaborators and investors expect a comprehensive IP strategy, as it indicates established key practices and measures to protect important IP Assets which are often at the heart of any collaborative ventures or fund-raising exercises.

### 2.8.3 Chain of entitlement

Chain of entitlement is a process where IP Assets are linked to a single or multiple entities to clearly define rights and ownership. Chain of entitlement can provide proof of ownership, which is critical in commercial transactions, as breaks in the chain of entitlement can be a significant financial risk for businesses, partners, and investors.

### 2.8.4 IP Landscape searching

IP landscape searching enables IP holders to determine competitors, products, market conditions and regulatory conditions in areas where its IP might be deployed. It is an effective way of reducing uncertainty when making key business decisions, understanding competitor activities, and monitor potential IP rights infringements by others.

Understanding the IP and competitive landscape may provide advantage by informing decision making processes, both in terms of technical and commercial activities.

### 2.8.5 Freedom to operate

Freedom to Operate (FTO) in the context of IP management signifies obtaining legal clearance after an extensive IP landscape search, enabling a company to operate without infringing on the intellectual property rights of others. This process entails a comprehensive evaluation of existing patents, trademarks, and other pertinent intellectual property to ensure that the company's research, products, services, or processes remain in compliance with the rights of third parties.

FTO analysis not only assures that a company possesses, accesses, or holds the right to use necessary Intellectual Property (IP) rights but also identifies essential Background IP. This includes, but is not limited to, patents, confidential know-how, and copyrighted documents, providing details on ownership and any associated usage restrictions.

Conducting FTO analysis is critical to informing decision-making, effectively minimising the potential for legal disputes, and safeguarding the company's position in the market.

## 3 Project IP and MRIWA

MRIWA's decision to fund a project demonstrates a confidence that value will be created and flow to Western Australia from the Project in some form.

The project application process develops a value proposition and a forecast of what will result from the work. This process enables both MRIWA and researchers to identify, consider and map a future pathway to translation and potential commercialisation through the appropriate protection of IP by one or more of the Project Participants.

Identifying a knowledge transfer pathway early in the application process can add value to the project by identifying industry connections or other enabling stakeholder contributions, which help the project deliver better outcomes, and potential IP Assets.



MRIWA works with Lead Organisations, Grantees, and Sponsors to assist in identifying potential project outputs/deliverables, IP Assets, and the opportunity for commercial exploitation.

### 3.1 Identifying IP

Although identifying IP is required at the Conditions of Grant negotiation stage, there is value in identifying potential IP before an Application is submitted. The benefits are:

- Researchers identify and understand the potential IP that may be created and plan to manage and use it.
- The Lead Organisations can have expectations appropriately managed and understand the path to execution of agreements.
- The MRIWA Board can make informed decisions based on a better understanding of the potential project value. This may also reduce the time to execute the Conditions of Grant agreement.

### 3.2 Key Activities

#### 3.2.1 Project deliverables

MRIWA funded projects aim to advance knowledge and understanding of potential solutions for minerals industry challenges and as a result, each project can produce IP Assets, whether commercially valuable or not.

The MRIWA Conditions of Grant require Grantees to identify project deliverables and Project IP. Schedule 5 of the Conditions of Grant offers seven (7) options for Project IP ownership:

1. Version A – ownership by Grantee
2. Version B – ownership by Sponsor
3. Version C – joint ownership (all parties)
4. Version D – joint ownership (MRIWA and Grantee)
5. Version E – joint ownership (MRIWA and one or more Sponsors)
6. Version F – ownership by project intellectual property type
7. Version G – ownership by MRIWA

Project reports detail key deliverables and milestones. These deliverables may include commercially sensitive project information and outputs that may be IP Assets. When defining project deliverables, it is important to:

- Be clear about the potential value created from a proposed project.
- Identify the information which may be commercially sensitive or company proprietary and distinguish that information as confidential in any reporting obligations.
- Enable project participants to realise the potential value from knowledge transfer at an earlier stage.

There are three phases in the lifecycle of IP Assets – Identify, Protect and Exploit.

Protection and exploitation are steps that require a commercial decision and are the responsibility of the Project Participants.



### 3.2.2 Identification of IP Assets

Identification of IP Assets by all Project Participants is an important step to defining potential knowledge transfer pathways. Project deliverables could be IP Assets in their own right (*section 2.1 Figure 1*) and lead to the creation of other IP Assets (*section 2.1 Figure 2*).

MRIWA may also assist Grantees to understand and identify IP Assets.

An Invention Disclosure Document, discussed in section 4.1, may assist with the identification and capture of new innovations/solutions within a project.

### 3.2.3 Registration of IP Assets

At the stage of executing a Conditions of Grant agreement, potential IP Assets can be included in the agreed deliverables. Should the IP Assets be realised through the course of the project, these should be registered. Refer to section 4.5 for more information on IP Asset Registers.

An IP Asset register can assist Grantees to capture and record both potential and actual IP Assets and start the process of considering how best to protect them.

### 3.2.4 Protection of IP Assets

Protecting IP may include engaging internal or external commercial expertise and/or the services of a professional IP firm.

Each project should clearly identify Background IP as distinct from the Project IP, which will result from the project. It is important to consider:

- Are there any IP Assets from the Project Participants that may be required to meet the aims and objectives of the project as distinct from contributing expertise?
- Whether the terms of use for Background IP are adequately covered in the Conditions of Grant. The default assumption should be that any Background IP identified is restricted for project use only and should be subject to separate commercial agreement.

### 3.2.5 Use of equipment or other resources provided by Project Participants or vendors.

Commercial organisations often assert IP rights within terms and conditions of sale or purchase. It is important to consider:

- Are equipment or facilities being borrowed or donated as in-kind resources from Project Participants or vendors? If so, are there any terms and conditions associated with the use of such resources that make claim to any future IP created during its use on the project?
- Is equipment being purchased for a project? Do the terms and conditions of sale lay any claim over improvements or other use cases outside the terms of warranty?

### 3.2.6 Agree IP ownership with employees

Employees play a critical role in innovating and creating IP in organisations. It is important businesses and employees have clear agreement and understanding of the treatment of IP created in the course of employment. Many organisations include the IP arrangements in employment contracts.



MRIWA strongly recommends Lead Organisations reach agreement with employees and other Project Participants on IP matters relating to ownership of, access to, or the right to use Background IP, the treatment of Project IP, and commercialisation activities.

### 3.2.7 Publications

Publishing may impact on an organisation's ability to protect and commercialise IP. In deciding knowledge transfer approaches, it is important to consider:

- Is there an aspiration or desire to publish the work or outcomes of the project in a scientific journal or industry publication or to present at a conference?
- If so, what opportunities to publish have been identified by the Project Participants and have they been discussed and agreed upon?

The MRIWA Conditions of Grant has provisions relating to publication of Final Technical Reports and other types of publications and presentations. Identifying potential IP Assets in the Application and prior to entering into the Conditions of Grant negotiations and finalisation enables informed IP management discussions throughout the project.

## 4 Intellectual Property Management Templates

MRIWA provides IP management templates to Grantees to assist them with the management of IP Assets.

All templates are provided in the appendices to these Guidelines and can be downloaded from the IP Resources section of the MRIWA [website](#).

These templates are tools intended to assist in the identification, capture and management of key IP Assets and can be tailored to suit the circumstances of a MRIWA Grantee. Information relating to the completion or use of each template is contained below.

The templates do not constitute a substitution for professional IP management services or advice and are only intended to provide a foundation to considering IP management.

### 4.1 Invention Disclosure Document (IDD)

The **Invention Disclosure Document (IDD)** is intended to assist Project Participants with the identification and capture of new innovations/solutions within a project. These new innovations/solutions may be in the form of improvements in processes or physical modifications to plant and equipment.

The development or discovery of these innovations may take place through dedicated research and development activities undertaken as part of MRIWA funded projects. It is important these innovations are identified, recorded, and appropriately managed.

New innovations/solutions may also be identified during 'business as usual' activities, therefore it is equally important to have a standardised process to capture key details for any IP developments within an organisation.



### Key guidance notes

- Ensure the IDD template is personalised to each organisation prior to adoption and usage.
- A scanned copy of the IDD signed by all the innovators/ inventors, and a witness as indicated, should be required for the organisation's records.
- Each IDD should be reviewed to determine whether the organisation will seek protection for the innovation (e.g., through the filing of a patent or other formal protection process). The organisation should endeavour to keep inventors apprised of any decisions made.
- Inventors may also be requested to provide additional information or to clarify certain points to assist in the decision-making process.
- The IDD provides no IP protection, so even though an IDD is completed and submitted, the details of the innovation should remain CONFIDENTIAL and PROPRIETARY and should not be disclosed to any external/ third parties or organisations without appropriate prior authorisation.

## 4.2 IDD Flowchart and Review Process

The Invention Disclosure Document (IDD) Flowchart and Review Process provides a visual overview of a suggested IDD process. It can also form a framework to involve key stakeholders in the IP management process.

A framework may assist stakeholders involved with the identification and capture of IP, by providing a simple overview, and highlight the importance of the early identification of IP Assets.

### Key guidance notes:

- Ensure the IDD Flowchart and Review Process template is tailored to the organisation prior to usage or circulation to key stakeholders.
- Be familiar with the content of the IDD Flowchart and Review Process.

## 4.3 IP Protection Options Decision Flowsheet

The IP Protection Options Decision Flowsheet assists Project Participants in decision-making processes relating to identifying and protecting IP Assets.

The document outlines which protections can be applied to an IP asset, and what other matters should be considered during the decision-making process, including:

- Disclosure constraints.
- Commercial applications.
- Additional research and development implications.

The questions posed in the flowsheet may result in further investigation to provide insight and reduce the risk of uncertainty that comes with assumptions, including:

- Examining the basic novelty of the subject matter.
- Additional freedom to operate searches on the subject matter and or competitors.
- Consideration of commercial opportunities available related to the subject matter.





This template provides simple prompts about what needs to be considered when assessing the content of a completed IDD to ensure appropriate protections are managed.

**Key guidance notes:**

- Ensure the IP Protection Options Decision Flowsheet template is tailored to the organisation prior to usage or circulation to key stakeholders.
- Ensure any decisions made are aligned with the commercial and strategic direction of the organisation, to avoid creating an IP portfolio that provides little benefit.

## 4.4 IDD Evaluation Matrix

The Invention Disclosure Document (IDD) Evaluation Matrix provides a structured approach for Project Participants to assessing the value of IP Assets detailed in the IDD.

This tool can be used to evaluate an IDD, to understand its potential across the following areas of consideration:

- Technology.
- Applicability.
- Intellectual property.
- Commercial.
- Other/overall.

The IDD Evaluation Matrix may also be useful in assessing multiple IDDs to determine which IP Assets should be protected as a priority.

## 4.5 Simple IP Asset Register

IP Asset registers are essential IP management documents. The IP Asset Register template indicates a minimum level of detail to record various IP Assets.

The register may include key details about different IP Asset types, including both registered and unregistered IP Assets. Additional tables can be added to the Register to capture key details for other IP elements such as contracts, agreements or licences, and IP landscape findings (e.g., third party patents and technical/scientific papers).

**Key guidance notes:**

- Ensure the IP Asset Register template is tailored to the organisation prior to adoption and usage.
- Portfolio Summary Details – provides an overview of the patent, trade mark and domain families which are proprietary to your organisation.
- Patents – a comprehensive database where numerous details relating to patents can be stored and referred to as part of patent management, renewal, and administrative tasks.
- Trade marks - a comprehensive database where numerous details relating to trade marks can be stored and referred to as part of trade mark management, renewal, and administrative tasks.
- Domain names – captures key details and information relating to domain names currently managed by your organisation.
- Social Media IDs – a comprehensive list of all social media identities administered by the organisation.





- Databases – a list of all repositories of valuable business information that would be considered vital for business continuity.
- Invention Disclosure Documents –captures key details for all completed IDD's, including additional sections, scores from evaluated subject matter and any further research and development matters. Indicates key know-how and trade secrets held by your organisation which may prove valuable.

## 5 Appendices

- A. Invention Disclosure Document (IDD)
- B. IDD Flowchart & Review Process
- C. IP Protection Options Decision Flowsheet
- D. IDD Evaluation Matrix
- E. IP Search Notes
- F. Simple IP Asset Register



# Invention Disclosure Document (IDD)

Please ensure you submit a copy of this completed IDD to [insert nominated contact point] for recording in [insert organisation's name] IP Register and for subsequent consideration.

<b>DATE</b>			<b>SUBMITTED BY</b>		
<b>INVENTION NAME/TITLE</b> <i>Provide the descriptor or internal/project name allocated to the invention.</i>					
<b>PROBLEM/SOLUTION</b> <i>Provide a short summary (no more than 4 - 5 bullet points) setting out the problem addressed and the crux of the solution, including what makes it different and/or commercially appealing.</i>					
<b>INVENTOR DETAILS</b> <i>Provide full name, address and nationality details for EACH inventor where known.</i>					
<b>INVENTION STATUS</b> <i>Select the Technology Readiness Level (TRL) which best indicates the invention status.</i>		TRL 1 – Basic principles observed			TRL 6 – Technology demonstrated in a relevant environment
		TRL 2 – Technology concept formulated			TRL 7 – System prototype demonstration in operational environment
		TRL 3 – Experimental proof of concept			TRL 8 – System complete and qualified
		TRL 4 – Technology validated in a laboratory			TRL 9 – Actual system proven in an operational environment
		TRL 5 – Technology validated in a relevant environment			
<b>TECHNOLOGY APPLICABILITY</b> <i>Select the main areas of applicability for the invention as they relate to mineral research.</i>		Processes/methodologies		Apparatus/hardware	Material handling
		Data processing/acquisition		Products/items made	Other (please specify)
<b>ANTICIPATED DISCLOSURE</b> <i>Has disclosure of the invention (or the crux of the solution) to any 3<sup>rd</sup> parties or individuals external to the business occurred or is this imminent?</i>		<b>About to be disclosed</b>	Please provide details (i.e. date, in what form and to whom? Has an NDA been signed?)		
		<b>Disclosure has occurred</b>	Please provide details (i.e. date, where and to whom? Was an NDA signed?)		
		<b>No planned disclosure at this stage</b>			
<b>DETAILED DESCRIPTION</b> <i>Describe the workings of the invention in detail. Provide supporting documents as attachments.</i>					



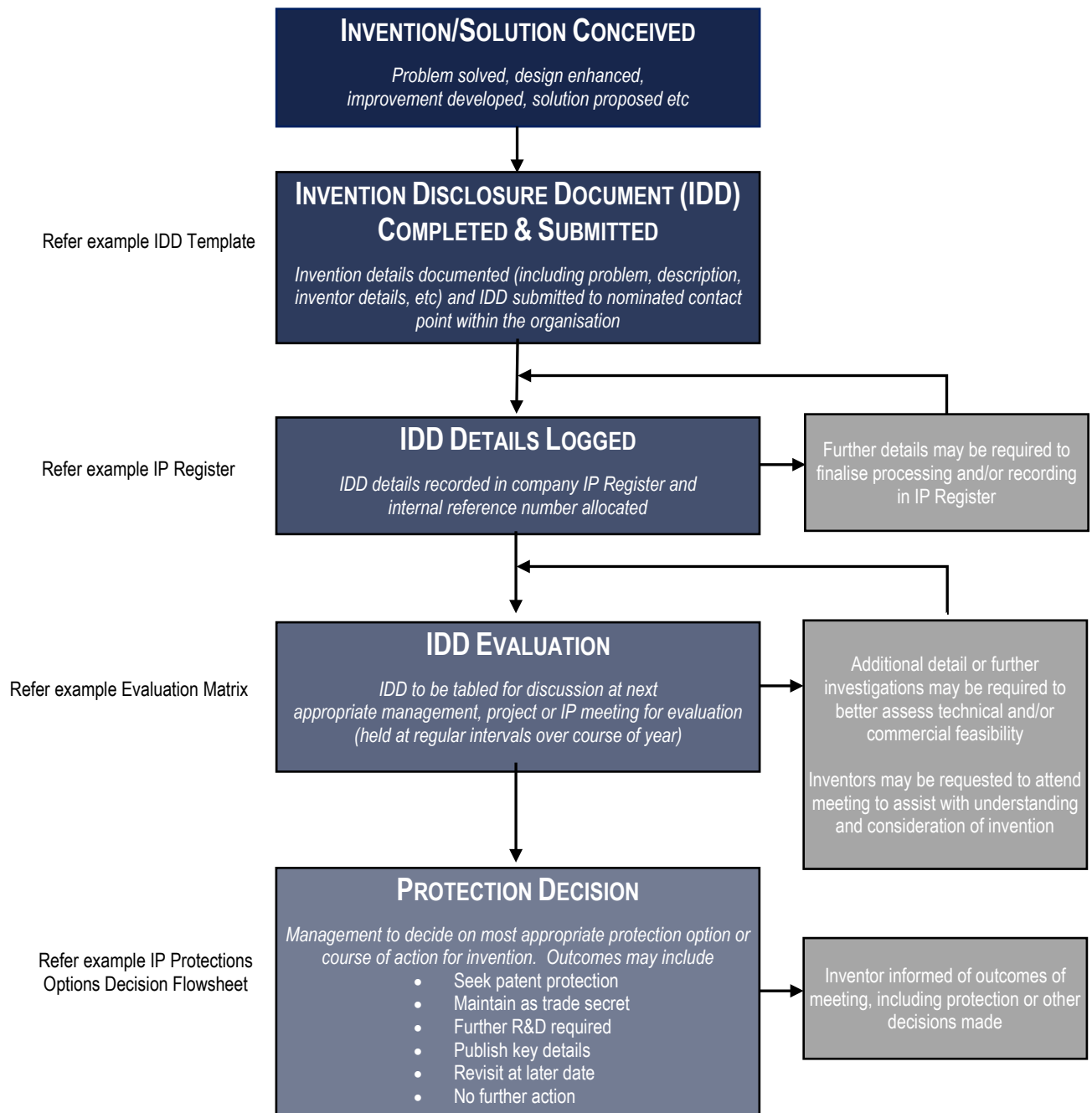
## APPENDIX A

<b>KNOWN PRIOR SOLUTIONS</b> <i>Provide comments about similar or related solutions that already exist, and include details of any known prior patents, publications, or commercial applications you are aware of.</i>			
<b>OTHER INFORMATION</b> <i>Include any relevant information re. earliest date of conception, key pros &amp; cons of the solution, alternative ways to achieve same function/benefits, ease of ability to enforce etc.</i>			
<b>ADDITIONAL MATERIALS</b> <i>List any attachments provided which may assist in understanding the solution. These may include, but not be limited to, images, figures, graphs, diagrams or design drawings, workflows.</i>			
<b>ADMIN USE</b>	<i>Management or IP delegate to note and/or allocate details as required.</i>		
<b>IDD RECEIVED</b>		<b>INITIALS</b>	
<b>IDD LOGGED</b>		<b>IDD No</b>	



# Invention disclosure

## Basic capture & review process



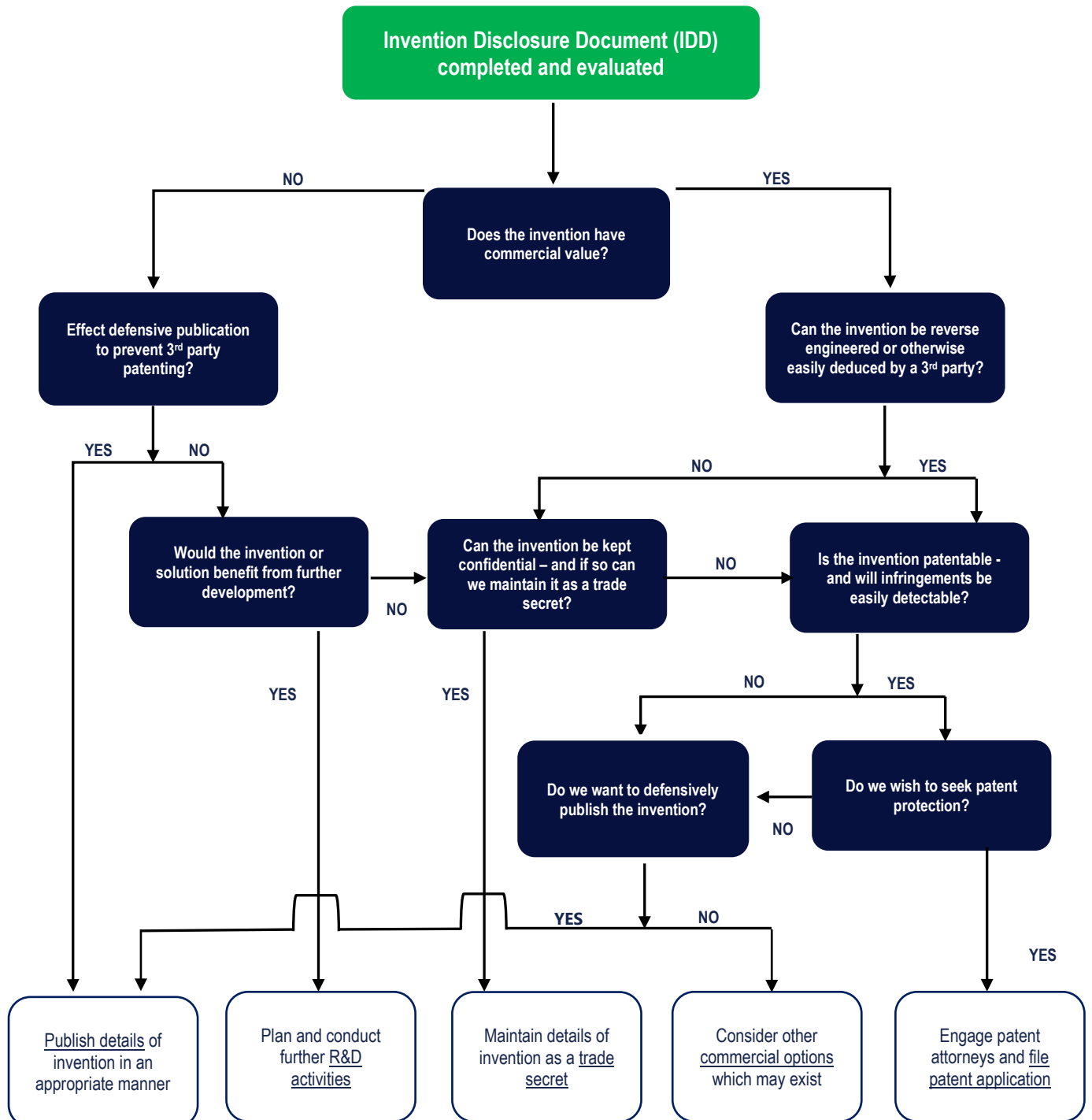
### Additional Notes

- IDDs are required to be prepared for ALL inventions and solutions developed – the organisation will then be responsible for evaluating each invention/solution on its specific merits.
- IDDs will be considered in light of previously submitted IDDs, any existing patent activities, the relevant IP landscape for the invention/solution, and prevailing commercial and economic considerations to help determine the most appropriate course of action required in each case.
- Recording of ALL inventions/solutions via the company's IDD is key to enabling valuable know-how and other proprietary IP to be suitably captured in the company's IP Register and subsequently understood/evaluated so that it can be leveraged for the benefit of the business



# IP Protection Options

## DECISION FLOWSHEET



## Invention Disclosure Document (IDD) Evaluation Matrix

Ref. No.:		Descriptor:	<i>Insert invention descriptor</i>
<b>TECHNOLOGY CONSIDERATIONS (6 POINTS)</b>			
1.		Proposed solution is proven in experiments or tests	<b>1</b>
2.		Explicitly required by or solves specific problem for a partner or customer	<b>2</b>
3.		Offers additional technical advantages or opportunities to a partner or customer (i.e. over and above primary need)	<b>1</b>
4.		Limited or no alternatives exist to solve similar problem	<b>2</b>
<b>APPLICABILITY (4 POINTS)</b>			
5.		Will have long term applicability for partners or customers (i.e. unlikely to be a short-term solution or a passing fad)	<b>2</b>
6.		Applicable to a wide range of technology areas (e.g. methodologies, apparatus, software, material handling etc)	<b>1</b>
7.		Relevant to next generation products or solutions in our core technology areas	<b>1</b>
<b>IP CONSIDERATIONS (5 POINTS)</b>			
8.		Ownership resides solely with our company	<b>1</b>
9.		Limited known prior art or published literature in the relevant technology space	<b>1</b>
10.		Sufficient information exists to enable our nominated patent attorneys to prepare a draft patent specification	<b>1</b>
11.		No significant difficulties anticipated to prosecute a patent application through to acceptance	<b>1</b>
12.		Provides potential for evergreening of any existing patented technologies in this technology area	<b>1</b>
<b>COMMERCIAL CONSIDERATIONS (5 POINTS)</b>			
13.		Solution provides a competitive cost solution over prior solutions (i.e. both our own and those of competitors)	<b>1</b>
14.		Reasonable potential the solution will help enhance near-term revenue streams	<b>1</b>
15.		Impending disclosure or commercial use (e.g. conference or technical paper, ASX release, new product release etc)	<b>2</b>
16.		Will the solution be easy to police and enforce (e.g. particularly if the solution is successfully patented)?	<b>1</b>
<b>OTHER CONSIDERATIONS (5 POINTS)</b>			
17.		Aligns with our current commercial strategy and bolsters IP coverage in one of our core technology areas	<b>1</b>
18.		Broader awareness/promotion of this solution will assist with attracting further investment/interest in the business/project	<b>1</b>
19.		Helps lock customers in to using our tech (e.g. will be an industry standard, promotes further entanglement with clients etc)	<b>1</b>
20.		Good 'gut feel' regarding overall value or importance of solution to our business	<b>2</b>
			<b>/25</b>

### RECOMMENDATION & NOTES

Name of Evaluator:

Date:



[insert organisation name]

## Intellectual Property (IP) Searching

These notes are intended to assist R&D/project managers and their teams to gain a good understanding of their relevant IP and technology landscape, and to aid with proactive monitoring of opportunities or threats that may emerge in their business.

Targeted keyword and company name searches applied on a regular basis can help inform commercial and R&D activities alike, with changes to regular patterns or results often indicating new technology entrants or heightened IP activity by known competitors or customers.

Trade Marks		Patents	Registered Designs
<p>Trade mark clearance searches should be conducted when new brands, logos or the like are being considered for new products or services.</p> <p>Regular trade mark searches for proprietary brands are also recommended to maintain awareness of whether other organisations may be seeking to adopt a similar trade mark, hence providing the business with an opportunity to take action as may be warranted to safeguard the breadth and coverage of its core brands.</p>		<p>Patent searches are valuable tools when assessing the commercial potential of technologies and solutions. A patent novelty search can help identify relevant prior art which will determine the patentability prospects for a new invention.</p> <p>In addition, searching patent material can help uncover developments within the mineral and resources industries which can be factored into R&amp;D and commercial activities to help address the activities of business competitors.</p>	<p>Design registrations can protect the shape, configuration, pattern or ornamentation which makes a particular product unique.</p> <p>A search of available designs databases can help determine to what extent a particular design is new and distinctive, or indeed whether it is likely to infringe the design rights of others operating in the same technology space.</p>
<ul style="list-style-type: none"> <li>• <b>Australia</b> – <u>Australian Trade Mark Search</u> (for Australian trade mark records only)</li> <li>• <b>United States</b> – <u>TESS</u> (for US trade mark records only)</li> <li>• <b>Europe</b> – <u>eSearch plus</u> (for EU trade mark records only)</li> <li>• <b>General</b> – <u>Global Brand Database</u> (for brand data from multiple national and international sources)</li> </ul>		<ul style="list-style-type: none"> <li>• <b>Australia</b> – <u>AusPat</u> (for Australian patent literature only)</li> <li>• <b>United States</b> – <u>USPTO PatFT/AppFT</u> (for US patent literature only)</li> <li>• <b>Europe/General</b> – <u>Espacenet</u> (for EP patent literature and a range of foreign patent literature (e.g. Australia, China, Japan, US etc))</li> <li>• <b>General</b> – <u>PATENTSCOPE</u> (for PCT patent literature and patent documents of related national/regional patent offices)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Australia</b> – <u>Australian Design Search</u> (for Australian design literature only)</li> <li>• <b>United States</b> – <u>USPTO PatFT/AppFT</u> (for US design patent literature only)</li> <li>• <b>Europe</b> – <u>eSearch plus</u> (for EP design literature and a range of foreign design literature (e.g. Australia, China, Japan, US etc))</li> <li>• <b>General</b> – <u>Global Design Database</u> (for design details from multiple national and international sources)</li> </ul>

2023 © [insert organisation name]



*Insert Organisation Logo*

*Insert Organisation Name*

## IP Asset Register

As at  
[insert date]





## APPENDIX F

### *[insert organisation name]* IP Portfolio Summary Details

#### PATENT FAMILIES

No.	Descriptor/Name
PAT-001	0
PAT-002	0
PAT-003	0
PAT-004	0
PAT-005	0
PAT-006	0
PAT-007	0
PAT-008	0
PAT-009	0
PAT-010	0

#### TRADEMARK FAMILIES

No.	Descriptor/Name
TM-001	0
TM-002	0
TM-003	0
TM-004	0
TM-005	0
TM-006	0
TM-007	0
TM-008	0
TM-009	0
TM-010	0

#### DOMAIN NAMES

No.	Descriptor/Name
DM-001	0
DM-002	0
DM-003	0
DM-004	0
DM-005	0
DM-006	0
DM-007	0
DM-008	0
DM-009	0
DM-011	0

#### SOCIAL MEDIA IDENTITIES

No.	Descriptor/Name
SM-001	0
SM-002	0
SM-003	0
SM-004	0
SM-005	0
SM-006	0
SM-007	0
SM-008	0
SM-009	0
SM-010	0

#### DATABASES

No.	Descriptor/Name
DB-001	0
DB-002	0
DB-003	0
DB-004	0
DB-005	0
DB-006	0
DB-007	0
DB-008	0
DB-009	0
DB-010	0

#### INVENTION DISCLOSURE DOCUMENTS (IDD)

No.	Descriptor/Name
IDD-001	0
IDD-002	0
IDD-003	0
IDD-004	0
IDD-005	0
IDD-006	0
IDD-007	0
IDD-008	0
IDD-009	0
IDD-010	0

Confidential Information of *[insert organisation name]*





Return to Portfolio  
Summary Details

Patents Register

[Insert organisation name]

Patent Renewal Details

Other Details

Reference	Current Status	Descriptor	Earliest Priority Details	Application No. & Date	Patent Publication No. & Date	Expiry Date	Inventors	Attorney Reference	Base Date	Next Renewal	Renewal Period	Renewal Notes	General Notes	Applicant/ Patentee	Official Title	Next Action Due	Link to Specification
PAT-001																	
PAT-002																	
PAT-003																	
PAT-004																	
PAT-005																	
PAT-006																	
PAT-007																	
PAT-008																	
PAT-009																	
PAT-010																	

Return to Portfolio  
Summary Details

Trademark Register

[Insert organisation name]

Other Details

Reference	Current Status	Mark / Logo	Class(es)	Application No. & Date	Registration No. & Date	Renewal Date	Attorney Reference	Applicant/ Owner	Earliest Priority Details	General Notes	Next Action Due
TMD-001											
TMD-002											
TMD-003											
TMD-004											
TMD-005											
TMD-006											
TMD-007											
TMD-008											
TMD-009											
TMD-010											



[insert organisation name]  
Domain Names Register

Return to Portfolio  
Summary Details

Reference	Domain Name	In Use	Registration Date	Renewal Date	Term	Domain Owner	Domain Registrar	Registry Domain ID	Other Notes
DM-001									
DM-002									
DM-003									
DM-004									
DM-005									
DM-006									
DM-007									
DM-008									
DM-009									
DM-011									

Domain availability as at: [date]

Domain Name	In Use	Available?		Domain Owner	Domain Registrar	Registry Domain ID	Other Notes



[insert organisation name]  
Social Media ID Register

Return to Portfolio  
Summary Details

Reference	Social Media Channel	In Use	ID	Link	Admin Details
SM-001	LinkedIn				
SM-002	Twitter				
SM-003	Facebook				
SM-004	YouTube				
SM-005					
SM-006					
SM-007					
SM-008					
SM-009					
SM-010					

Channel availability as at: [date]

Social Media Channel	In Use	ID	Link	Admin Details

[Return to Portfolio](#)  
[Summary Details](#)

**[insert organisation name]**  
**IDD Register**

[Return to Portfolio](#)  
[Summary List](#)

Page | 29